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No. 89-1642

FILED
JUN 13 1990

JOSEPH F. SPANIOLO, JR.
CLERK

**In The
Supreme Court of the United States
October Term, 1989**

UNITED TRANSPORTATION UNION,
Petitioner,

vs.

INTERSTATE COMMERCE COMMISSION, et al.,
Respondents.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SUPPLEMENTAL BRIEF

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Petitioner calls attention to new matter which has arisen subsequent to his petition for a writ of certiorari, filed April 23, 1990.

1. The U.S. House Committee on the Judiciary, on May 14, 1990, reported H.R. 29, Interlocking Directorate Act of 1990 (H. Rept. 101-483), which would remove the rail carrier exemption from Section 8 of the Clayton Act. The bill passed the House on May 15, 1990. See: *Cong. Record* (Dy. ed. H2284-87).

2. The U.S. Senate Committee on the Judiciary, on May 14, 1990, reported S. 994, *Amending the Clayton Act Regarding Interlocking Directorates and Officers* (S. Rept. 101-286), which likewise would remove the rail carrier exemption from Section 8 of the Clayton Act. Floor action has not been taken on the Senate report at this time.

3. This recent action, and the likely early enactment of legislation strengthening the Congressional concern with railroad interlocking directorates, clearly indicates the error of the Court below in finding the legislative judgment of 1914 (actually, 1920) too far out-of-date to serve as a basis for standing. 891 F.2d 908 at 915-18. (Pet. Br. 14a-19a). The actual fact is that Congress has an active and continuing concern for interlocking directorates between rail carriers.

Respectfully submitted,

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